



# COMMONWEALTH of VIRGINIA

## DEPARTMENT OF ENVIRONMENTAL QUALITY

Dennis H. Treacy  
Director

James S. Gilmore, III  
Governor

John Paul Woodley, Jr.  
Secretary of Natural Resources

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### MINUTES

#### STATE WATER CONTROL BOARD

June 12, 2001 - House Room C

General Assembly Building

Richmond, Virginia

#### Board Members Present:

Hunter E. Craig, Chairman

H. Preston Futrell, Jr.

Gary H. Baise

Karl F. Wenger

Lance W. High

Thomas V. Van Auken

#### Board Members Absent:

vacant

#### Staff Present:

Dennis H. Treacy, Director

Department of Environmental Quality

Cindy M. Berndt

Department of Environmental Quality

#### Attorney General's Office:

Rick Linker, Assistant Attorney General

- 1) The attached minutes summarize activities that took place at this Board Meeting.
- 2) The meeting was convened at 9:10 a.m. on Tuesday, June 12, 2001, voted to go into closed session at 9:10 a.m., returned to open session at 9:24 a.m., recessed from 10:50 a.m. to 11:05 a.m. and adjourned at 12:50 p.m.



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### EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON JUNE 12, 2001

#### MINUTE NO. 1 - Closed Session

Pursuant to the provisions of Section 2.1-344 (A)(7) of the Code of Virginia, the Board met in Closed Session to consider the following matters:

Hill Mobile Home Park  
Mirad

Pursuant to Section 2.1-344.1 (D) of the Code of Virginia, the Board, by roll call vote, unanimously certified that only those matters identified above, which are lawfully exempted from the requirements of the Freedom of Information Act, were considered during Closed Session.

  
Cindy M. Berndt



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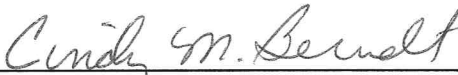
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### EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON JUNE 12, 2001

#### MINUTE NO. 2 - Minutes

The Board approved the Minutes from the March 26, 2001 meeting with one abstention (Mr. Van Auken).

  
Cindy M. Berndt



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### EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON JUNE 12, 2001

#### MINUTE NO. 3 - Permit Terminations

Martin G. Ferguson, Jr., Director of the Water Permits Program of the Department of Environmental Quality's Central Office introduced the staff recommendation concerning the termination of six permits.

#### Board Decision

Based on the briefing materials and the staff presentation and recommendations, the Board voted unanimously to approve the terminations of permits for:

General Chemical Corporation VPDES permit no. VA0027961


Chesapeake Bay Bridge & Tunnel District VPDES permit no. VA0073709

Super 8 Motel VPDES permit no. VA0027961

Sandi Leigh Farm permit no. VPA01415

Fearnow Brothers, Inc. permit no. VPA00569

Sea Bee Acres Farm permit no. VPA01424

  
\_\_\_\_\_  
Larry G. Lawson  
Director, Water Division





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### EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON JUNE 12, 2001

#### MINUTE 4 - Significant Noncompliance

Mary Jo Leugers, Director of the Division of Enforcement Coordination, reported to the Board that six major facilities were reported to EPA on the Quarterly Noncompliance Report (QNCR) as being in significant non-compliance (SNC) for the quarter ending March, 2001. The facilities and their reported instances of non-compliance are as follows:

1. Permittee: **City of Galax, Galax STP**  
Type of Non-Compliance: **Overflows**  
Dates of Non-Compliance: Continuing overflows from July, 2000 through February, 2001  
Requirements Contained In: SWCB Consent Special Order and VPDES Permit

The City of Galax was also reported to EPA as an Exceptions List facility, having been reported as being SNC for two or more successive quarters. The OAG and the Department of Justice are negotiating the terms of a consent decree with Galax to address the subject instances of non-compliance.

2. Permittee: **City of Alexandria, Alexandria STP**  
Type of Non-Compliance: **Failure to Meet Effluent Limit (Biochemical Oxygen Demand)**  
Dates of Non-Compliance: December, 2000 and January, February and March, 2001  
Requirements Contained In: (Virginia) Court Order

The City is upgrading its sewage treatment plant as required by federal court order. Certain interim effluent limits (including biochemical oxygen demand or BOD limits) apply to the plant as the result of a prior Virginia court order. During the period of upgrade the City's ability to perform certain maintenance tasks at the plant has been impaired due to space constraints resulting from construction. The staff of the Department's Northern Regional Office has requested that the OAG modify the effluent limits of the Virginia court order, for the period of construction, to address the possibility that the plant may periodically, until completion of construction, be unable to consistently meet BOD limits. The facility was reported to EPA as an

Exceptions List facility, having been reported as being SNC for two or more successive quarters.

3.     Permittee:                     **Honeywell International, Inc., Hopewell WWTP**  
       Type of Non-Compliance:   **Failure to Meet Effluent Limit (Ammonia)**  
       Dates of Non-Compliance:   July and October, 2000  
       Requirements Contained In:  VPDES Permit

The staff of the Department's Piedmont Regional Office has negotiated a Consent Special Order with Honeywell that addresses the referenced instances of non-compliance. The facility was reported to EPA as an Exceptions List facility, having been reported as being SNC for two or more successive quarters.

4.     Permittee:                     **Perdue Farms, Inc., Perdue WWTP**  
       Type of Non-Compliance:   **Failure to Meet Effluent Limits (Ammonia, Whole Effluent Toxicity)**  
       Dates of Non-Compliance:   August and September, 2000 (Ammonia); October and December, 2000 (Whole Effluent Toxicity)  
       Requirements Contained In:  VPDES Permit

The staff of the Department's Tidewater Regional Office has negotiated a Consent Special Order with Perdue that addresses the referenced instances of non-compliance. The facility was reported to EPA as an Exceptions List facility, having been reported as being SNC for two or more successive quarters.

5.     Permittee:                     **City of Bedford, Bedford STP**  
       Type of Non-Compliance:   **Failure to Meet Schedule Item (Compliance with Final Effluent Limits)**  
       Dates of Non-Compliance:   March, April, May, June, July and August, 2000  
       Requirements Contained In:  Consent Special Order

The staff of the Department's West Central Regional Office is negotiating a Consent Special Order that will address the referenced instances of non-compliance. The facility was reported to EPA as an Exceptions List facility, having been reported as being SNC for two or more successive quarters.

6.     Permittee:                     **Aquia Wastewater Treatment Plant**  
       Type of Non-Compliance:   **Failure to Meet Effluent Limits (Ammonia, Phosphorus)**  
       Dates of Non-Compliance:   December 2000, January 2001  
       Requirements Contained In:  VPDES Permit

The staff of the Department's Northern Regional Office believe that the referenced instances of non-compliance were an anomaly which does not require formal enforcement action. Should violations re-occur, the staff will re-evaluate the need for formal action.

  
\_\_\_\_\_  
Mary Jo Leugers, Director  
Division of Enforcement Coordination



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### EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON JUNE 12, 2001

#### MINUTE NO. 5 – Cancellation of Consent Special Orders

Mary Jo Leugers, Director of the Division of Enforcement Coordination, presented to the Board six consent special orders for cancellation. The orders were issued to:

1. Doswell All-American Travel Plaza
2. West Sand and Gravel Company, Inc.
3. Boars Head
4. Burke-Parsons-Bowlby Corp.
5. U. S. Navy - Oceana Naval Air Station
6. U.S. Navy - Yorktown Fuels Annex

The Board unanimously approved cancellation of the referenced orders.

  
Mary Jo Leugers, Director  
Division of Enforcement Coordination





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## DEPARTMENT OF ENVIRONMENTAL QUALITY

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Dennis H. Treacy  
Director

Michael D. Overstreet  
Regional Director  
(540) 676-4800

### EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON JUNE 12, 2001

#### MINUTE NO. 6 - Consent Special Order Amendment With Civil Charges

Dallas Sizemore of the Department of Environmental Quality, Southwest Regional Office introduced the staff recommendations concerning the proposed Consent Special Order Amendment for the Town of Damascus.

The Town of Damascus had failed to abate excessive infiltration/inflow in its sewerage collection system as required by a September 12, 1995 Consent Special Order issued by the Board. As a result effluent violations and excessive overflows continue. To remedy this situation the Board was presented with a Consent Special Order Amendment that required The Town of Damascus to 1) upgrade the Town's existing wastewater treatment plant, 2) abate excessive infiltration/inflow in the sewerage collection system, 3) operate the STP in an efficient and workman like manner, and 4) provide adequate manpower and funds to meet all effluent requirements contained in the Town's VPDES permit. The Amendment also required the Town of Damascus to pay a \$3150 civil charge.

#### Board Decision

Based on the staff recommendations, the Board unanimously voted to:

1. approve the Consent Special Order Amendment for:  
Town of Damascus,
2. authorize the Director or his designee to sign the Order on its behalf; and
3. authorize the Director or his designee to refer any violations of the Order to the Attorney General's Office for appropriate legal action.

A handwritten signature in black ink, appearing to read "Michael D. Overstreet".  
Michael D. Overstreet  
Regional Director





# COMMONWEALTH of VIRGINIA

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Dennis H. Treacy  
Director

Richard F. Weeks, Jr.  
Regional Director

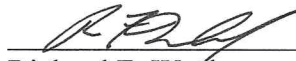
### **MINUTE NO. 7 - West Central Regional Office Consent Special Orders**

Richard F. Weeks of the Department of Environmental Quality, West Central Regional Office introduced the staff recommendations concerning the proposed Consent Special Orders for the Town of Appomattox, Charles Draughn (Countryside Trailer Park), and the Craig-New Castle Public Service Authority.

### **Board Decision**

Based on the staff recommendations, the Board voted unanimously to:

1. Approve the Consent Special Orders for:  
  
The Town of Appomattox  
Charles Draughn (Countryside Trailer Park)  
Craig-New Castle Public Service Authority
2. Authorize the Director or his designee to sign the Orders on its behalf; and
3. Authorize the Director or his designee to refer any violations of the Orders to the Attorney General's Office for appropriate legal action.

  
\_\_\_\_\_  
Richard F. Weeks  
Regional Director  
West Central Regional Office



# COMMONWEALTH of VIRGINIA

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Dennis H. Treacy  
Director

Gregory L. Clayton  
Regional Director

### EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON JUNE 12, 2001

#### MINUTE NO. 8 - NVRO - Consent Special Orders

The Department of Environmental Quality's ("DEQ") Northern Virginia Regional Office ("NVRO") presented three proposed Consent Special Orders for the Board's consideration.

Ms. Elizabeth Anne Crosier of the DEQ NVRO made the staff presentation concerning the proposed Orders. Following the presentation, Ms. Crosier made the staff recommendations regarding the proposed Orders.

The first proposed Order requires the Fauquier County School Board to upgrade the Mary Walter Elementary School sewage treatment plant to achieve compliance with final Permit effluent limits. The Order includes a schedule of compliance for the upgrade and provides interim effluent limits for ammonia until the upgrade is complete.

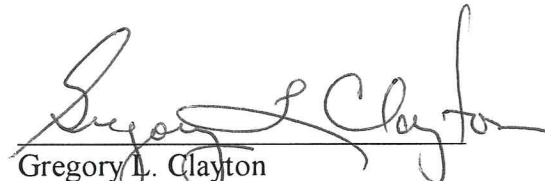
The second proposed Order requires Hoover Treated Wood Products, Inc. ("Hoover") to submit and implement a groundwater monitoring plan and to submit a corrective action plan for its Milford facility. Hoover has submitted the required groundwater monitoring plan.

The third proposed Order requires the Owner of the Town N' Country Restaurant sewage treatment plant to upgrade the sewage treatment plant in phases, as necessary, in order to achieve compliance with final Permit effluent limits and to connect the Town N' Country Restaurant to the Fauquier County wastewater treatment plant when service becomes available in 2003. The Order also provides interim effluent limits for ammonia until the first phase of the upgrade is complete.

#### Decision

Based on the briefing material and the staff presentation and recommendations, the Board voted unanimously to:

1. Approve the proposed the proposed Consent Special Orders;
2. Authorize the Director or his designee to sign the Orders on the Board's behalf; and
3. Authorize the Director or his designee to refer violations of the Orders to the Attorney General's Office for appropriate legal action.



Gregory L. Clayton  
Regional Director  
Northern Virginia Region



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Regional Director

### EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON JUNE 12, 2001

#### MINUTE NO. 9 - NVRO – Hill Mobile Home Park

As directed by the Board at its March 26, 2001, meeting the Department of Environmental Quality's ("DEQ") Northern Virginia Regional Office ("NVRO") presented a proposed VPDES Permit and Consent Special Order for Hill Mobile Home Park for the Board's consideration.

Mr. Gregory L. Clayton of the DEQ NVRO made the staff presentation concerning the proposed permit and order. Following the presentation, Mr. Clayton made the staff recommendation regarding the proposed permit and order.

The proposed VPDES permit allows the operation of the existing wastewater treatment plant with the same limits that were in the permit that expired in January 2001. The permit will expire twelve months from the date of issuance.

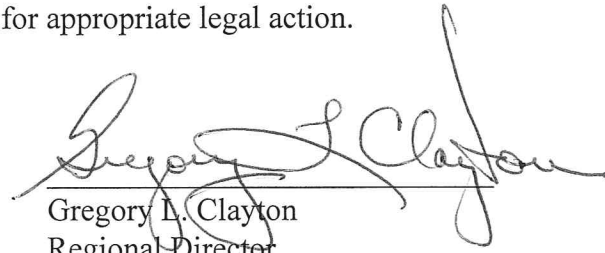
The proposed order requires that Hill Mobile Home Park construct a replacement treatment plant according to an approved schedule, and take the existing plant off line by June 12, 2002. The order also establishes interim limits for the existing plant.

#### Decision

Based on the briefing material and the staff presentation and recommendations, the Board voted unanimously to:

1. Approve the proposed permit, VPDES Permit # VA0082911, and the proposed Consent Special Order for Hill Mobile Home Park;
2. Authorize the Director or his designee to sign the permit and order on the Board's behalf; and

3. Authorize the Director or his designee to refer violations of the order to the Attorney General's Office for appropriate legal action.

A handwritten signature in black ink, appearing to read "Gregory L. Clayton", is written over a horizontal line.

Gregory L. Clayton  
Regional Director  
Northern Virginia Region





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Piedmont Regional Director

### EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON JUNE 12, 2001

#### MINUTE NO. 10 - Consent Special Orders with Penalty Settlements

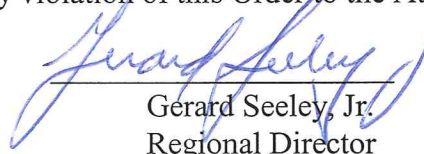
Mr. James Golden of the Piedmont Regional Office introduced the staff recommendation concerning the proposed Consent Special Order for Tides Inn, Inc. The Board initially postponed voting on this matter until the next Board meeting, pending additional information concerning the civil charge calculations and other details. However, later in the meeting this issue was brought back before the Board and additional information provided. After further discussion, the Order was reconsidered by the Board.

The proposed Order addresses two unpermitted discharges of petroleum to state waters. The initial petroleum release was thought to come from the Tides Inn's yacht. The yacht was inspected for leaks and found to be sound. When the second unpermitted discharge occurred, it was determined that the release was the result of a leaking pipe in an improperly closed underground storage tank (UST). The three USTs on site have subsequently been closed in accordance with the regulations. The Order requires the payment of a \$12,142 civil charge.

#### **Board Decision**

Based on the staff presentation and recommendations, the Board voted unanimously to:

1. approve the Consent Special Order for :  
Tides Inn, Inc.
2. authorize the Director or his designee to sign the Order on its behalf; and
3. authorize the Director or his designee to refer any violation of this Order to the Attorney General's Office for appropriate legal action.

  
Gerard Seeley, Jr.  
Regional Director



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### EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON JUNE 12, 2001

#### MINUTE NO. 11 - Consent Special Orders with Penalty Settlements

Mr. James Golden, Piedmont Regional Office, introduced the staff recommendation concerning the proposed Consent Special Order Settlements for McGurn Company Incorporated, S. B. Cox, Incorporated, and Omega Protein Incorporated.

The proposed Order for Omega Protein addresses effluent violations, an unpermitted discharge created by sandblasting a vessel in the creek without the proper BMPs in place, improper toxicity testing, and failure to meet the reporting requirements in its permit by 1) not reporting an unusual discharge which occurred after an equipment failure on July 7, 1999, 2) late submittals of BMP reporting, and 3) failure to submit quarterly progress reports. The proposed Order requires Omega Protein to submit a diagnostic evaluation (DE) of the wastewater treatment system conducted by a state registered professional engineer. If the DE indicates that an upgrade is required, Omega Protein will submit plans and specifications and an implementation schedule in sixty days. In addition, Omega Protein must develop and submit to PRO standard operating procedures to ensure that reporting violations do not reoccur. The Order also requires the payment of a \$18,600 civil charge.

S. B. Cox, Incorporated operates a demolition contractor firm located in Richmond, Virginia. S. B. Cox was hired by the Virginia Department of Transportation to close the lagoon serving the Bowles-Valentine Trailer Park in Goochland County, Virginia. The lagoon was closed in June 1999. The lagoon closure plan was not followed and during a rainstorm, sludge was washed into state waters. An intensive clean up began immediately after S. B. Cox was notified of the unpermitted discharge. The operator of the site was found guilty of a misdemeanor in the Circuit Court of Goochland for the unpermitted discharge and was fined \$2,500. The clean up of state waters has been completed. The only requirement in the proposed Order is a \$8,500 civil charge.

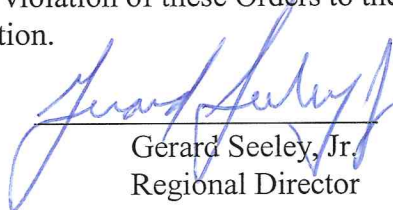
The proposed Order for McGurn Company Incorporated addresses construction activities at the Benedictine High School (site) without a permit. There were visible sediment impacts to state waters and the McGurn Company, operator of this site, did not have any BMPs or sediment control devices in place, during the grading and excavation during construction. After the Department notified the

McGurn Company that it needed a permit, the unpermitted construction continued. McGurn Company has since secured a permit for the site and several DEQ inspections revealed that stormwater controls are in place and being maintained. The Order requires the payment of a \$8,000 civil charge.

### **Board Decision**

Based on the staff presentation and recommendations, the Board voted unanimously to:

1. approve the Consent Special Orders for :  
  
    Omega Protein Incorporated  
    S. B. Cox, Incorporated  
    McGurn Company, Incorporated
2. authorize the Director or his designee to sign the Orders on its behalf; and
3. authorize the Director or his designee to refer any violation of these Orders to the Attorney General's Office for appropriate legal action.



Gerard Seeley, Jr.  
Regional Director





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### EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON JUNE 12, 2001

#### MINUTE NO. 12 - Consent Special Order with Penalty Settlements

Mr. James Golden, Piedmont Regional Office, introduced the staff recommendation concerning the proposed Consent Special Order Settlement for Iluka Resources Incorporated.

The proposed Order for Iluka Resources Incorporated addresses the failure to submit a groundwater monitoring plan and an O&M manual as required by its VPA permit No. VPA00563. In addition, the facility has had several unauthorized discharges of wastewater to the environment. The proposed Order requires Iluka Resources to submit a VPDES individual stormwater permit application for one of its retention ponds with an implementation schedule for the construction of any needed wastewater treatment facilities; an application for an individual VPDES permit for discharge from its mining pits and ponds, and implementation of a Department approved groundwater monitoring plan. The Order also requires the payment of a \$8,900 civil charge, \$2,250 to be paid in 30 days and \$6,675 to be spent on a SEP. The SEP involves providing financial support of the existing J. R. Horsley Soil and Water Conservation District (SWCD) Citizen Monitoring Project (funding for additional stream monitoring supply kits, training and contract water analyses) and financial support to establish a stream monitoring program (purchase stream monitoring sample kits, training and contract water analyses) as part the existing Field Biology Class at the Dinwiddie County High School.

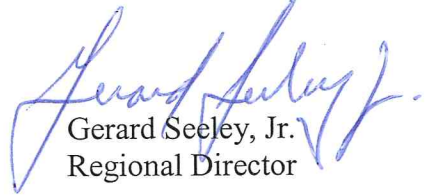
#### **Board Decision**

Based on the staff presentation and recommendations, the Board voted unanimously with the exception of Mr. Futrell who abstained to:

1. approve the Consent Special Order for :

Iluka Resources Incorporated

2. authorize the Director or his designee to sign the Order on its behalf; and
3. authorize the Director or his designee to refer any violation of this Order to the Attorney General's Office for appropriate legal action.



Gerard Seeley, Jr.  
Regional Director





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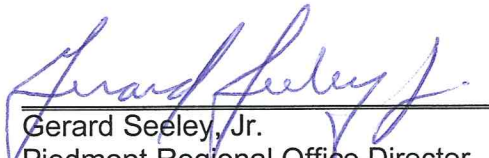
**EXCERPT FROM THE PROCEEDINGS OF THE BOARD  
AT ITS MEETING ON JUNE 12, 2001**

**MINUTE NO. 13 – Outdoor World Corporation VPDES Permit VA0089087**

Mr. James Golden of the DEQ Piedmont Regional Office made the staff presentation regarding the proposed reissuance of VPDES permit #VA0089087, to the Outdoor World Corporation. The permit was originally issued in November 1995. Mr. Golden advised the Board that a public hearing had been held on the subject permit in Westmoreland County on May 21, 2001. Issues discussed during the hearing included whether Outdoor World should be required to wait until public sewer was available; whether the proposed permit was adequately protective of shellfish and recreational uses; and whether the discharge should be allowed to a waterbody on the State's §303(d) list of impaired waters. Dr. Wenger was the Hearing Officer.

The Board unanimously adopted the Staff recommendation, which was to reissue the VPDES permit, to include the addition of the following permit condition, to be numbered Part I.B.15:

- 15. The permittee shall connect to public sewer within 90 days of availability, and subsequently close its VPDES permitted wastewater treatment facilities within 60 days of connection.**

  
Gerard Seeley, Jr.  
Piedmont Regional Office Director



# COMMONWEALTH of VIRGINIA

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Dennis H. Treacy  
Director

Francis L. Daniel  
Tidewater Regional Director

### EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON JUNE 12, 2001

#### **MINUTE NO. 14 - BIRDSONG CORPORATION, ESPEJO FAMILY LIMITED PARTNERSHIP, LOTUS CREEK ASSOCIATES, PERDUE FARMS, INC., THE SMITHFIELD COMPANIES, INC. DBA V.W.JOYNER**

David S. Gussman, Senior Enforcement Specialist in the Department of Environmental Quality's Tidewater Regional Office introduced the staff recommendations concerning Consent Special Orders for the Birdsong Corporation, Espejo Family Limited Partnership, Lotus Creek Associates, Perdue Farms, Inc., and The Smithfield Companies, Inc. DBA V. W. Joyner.

#### Birdsong Corporation

The Birdsong Corporation operates a peanut processing facility that is located at 200 South Mechanic Street in Franklin, Virginia adjacent to the Blackwater River. The Birdsong Corporation does not operate a sewage treatment system or possess a VPDES permit. In response to a citizen complaint, on October 19, 2000, DEQ investigated a stormwater discharge pipe, adjacent to the Birdsong facility that was discharging to the Blackwater River. The investigation revealed that sewer lines from the Birdsong processing plant and cold storage facility were tied into a stormwater drain. Untreated sewage from the Birdsong facilities was being discharged to the Blackwater River.

Upon notification of the illegal discharge, Birdsong ceased the use of their toilet facilities and the illegal discharge. They promptly hired a consultant to design a pump station and sewer system. On December 20, 2000, the new pump station and sewer system were tied into the collection system for the City.

The proposed order requires the Company to maintain its sewage pump station and sewer system in accordance with its design specifications and pay a \$16,000 civil charge. The proposed Order completed public notice and no comments were received.

#### Espejo Family Limited Partnership

On March 3, 1999 DEQ issued VWPP Permit #98-0971 to Espejo Family



Limited Partnership. This permit authorizes mechanical dredging of their marina basin. The Permit required that DEQ staff be notified 10 days prior to the start of work and be provided with a construction sequence of events and timetable. Prior to dredging, a pre-dredge conference was to be held to allow DEQ staff to review site erosion and sediment controls, the dewatering basin, and the final dredging plans. Espejo did not comply with these permit requirements. On February 5, 2001, a DEQ inspection documented that the contractor had started to fill the canal, prior to the modification of the permit.

The proposed Order requires the Partnership to comply with the requirements in their permit and to pay a \$5,950 civil charge. The proposed Order completed public notice and no comments were received.

#### Lotus Creek Associates

Lotus Creek Associates cleared 1.4 acres of forested wetlands as part of the construction of a two lane private access road to phases II and III of the Lotus Creek subdivision. The clearing was documented during a May 23, 2000 site inspection. Lotus Creek Associates had filed an application for this work in March but the permit was not issued until June 30, 2000.

The proposed Order requires the Partnership to comply with the requirements in their permit and to pay a \$5,000 civil charge.

The proposed Order completed public notice and no comments were received.

#### Perdue Farms Incorporated

The Perdue wastewater treatment plant experienced an upset during July and August, 2000. The effluent limits for BOD, ammonia and cyanide were exceeded. Additionally the whole effluent toxicity limit was exceeded in the third and fourth quarters of 2000.

The proposed Order requires the Company to develop operations and maintenance manuals for their treatment system and lagoons and to conduct additional toxicity testing. If additional toxicity is detected, the Company is required to develop a toxicity reduction plan. The order includes a civil charge of \$20,000.

The proposed Order completed public notice and no comments were received.

#### The Smithfield Companies, Inc. DBA V. W. Joyner & Company

V. W. Joyner & Company operates a smokehouse on Main Street in Smithfield, Virginia. Wastewater from the operation passes through a grease trap and is discharged into the Smithfield collection system. Joyner does not operate a sewage treatment

system or possess a VPDES permit. On January 4, 2001, DEQ investigated a wastewater overflow from the Joyner facility. The investigation revealed that the piping connected to the Joyner grease trap had clogged and wastewater had overflowed into Cypress Creek.

The proposed Order requires the Company to maintain its grease trap and wastewater collection system in accordance with its design specifications and to pay a \$1,800 civil charge.

The proposed Order completed public notice and no comments were received.

#### **Board Decision**

Based on the briefing materials and the staff presentation and recommendations, the Board voted unanimously to:

1. approve the Consent Special Orders for the Birdsong Corporation, Espejo Family Limited Partnership, Lotus Creek Associates, Perdue Farms, Inc., and The Smithfield Companies, Inc. DBA V. W. Joyner;
2. authorize the Director or his designee to sign the Orders on its behalf; and
3. authorize the Director or his designee to refer any violations of the Orders to the Attorney General's Office for appropriate legal action.



**Francis L. Daniel**  
**Director, Tidewater Regional Office**



# COMMONWEALTH of VIRGINIA

## DEPARTMENT OF ENVIRONMENTAL QUALITY

### EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON JUNE 12, 2001

#### **MINUTE NO. 15 - VRO - Consent Orders with Civil Charges**

Richard W. Anderson, Valley Regional Office Compliance, Enforcement, and Monitoring Manager, made brief staff presentations and introduced the staff recommendations concerning proposed VRO Consent Special Orders with civil charges for Pioneer Trailer Park and Thomasville Furniture Industries, Inc.

Pioneer Trailer Park owns and operates a wastewater treatment facility serving approximately 14 mobile homes in Frederick County, Virginia, which is the subject of VPDES Permit No. VA0089095. The facility discharges treated wastewater to an unnamed tributary to Crooked Run in the Shenandoah River subbasin, Potomac River basin.

The facility was originally under a local health department certificate, but was issued a VPDES Permit on January 4, 1996. The facility consists of a stabilization lagoon, chlorination, and flow measurement. The lagoon has had no upgrades other than the recent addition of dechlorination.

The Permit issued January 4, 1996, required Pioneer to upgrade its facility to meet final effluent limits for BOD, TSS, TRC, dissolved oxygen, and ammonia-nitrogen (NH<sub>3</sub>-N) by January 4, 2000. The facility has undergone no upgrades to meet its BOD, TSS, D.O., TRC or ammonia final limits. In addition, the facility exceeded permit limitations for BOD, and/or TRC, and/or ammonia parameters in the period from January 2000 through September 2000.

The Order requires Pioneer Trailer Park to either take the facility offline to the local sewage collection system or to provide upgrades to the plant to ensure that the plant can meet the final effluent limitations contained in the Permit. The Order also requires Pioneer Trailer Park to pay a civil charge of \$1,540. The proposed Order completed Public Notice in the Virginia Register and the Winchester Star. DEQ received no adverse comments.



**Minute No. 15**

**Pioneer Trailer Park and Thomasville Furniture Industries**

**Page 2**

Thomasville Furniture Industries, Inc. owns and operates a wastewater treatment facility serving the furniture company in Fluvanna County, Virginia, which is the subject of VPDES Permit No. VA0071692. The facility discharges treated wastewater to the Rivanna River in the Middle James River basin.

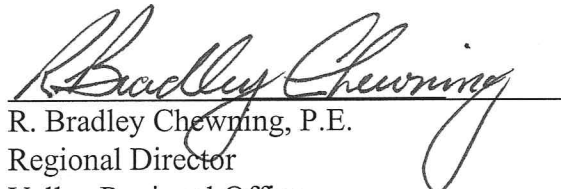
In March 1997 this facility began to experience periodic seasonal difficulty complying with the Permit's effluent limitations for pH, TRC, BOD and TSS.

The Order requires Thomasville Furniture Industries to provide corrective actions to ensure that the plant can meet the final effluent limitations contained in the Permit. The Order also requires Thomasville Furniture Industries to pay a civil charge of \$2000. The proposed Order completed Public Notice in the Virginia Register and the Central Virginian. DEQ received no adverse comments.

**Board Decision**

Based on the staff presentation and recommendation, the Board voted to:

1. unanimously approve the Consent Special Order with civil charges for Pioneer Trailer Park and Thomasville Furniture Industries;
2. unanimously authorize the Director or his designee to sign the Orders on its behalf; and
3. unanimously authorize the Director or his designee to refer any violation of these Orders to the Attorney General's Office for appropriate legal action.

  
R. Bradley Chewning, P.E.  
Regional Director  
Valley Regional Office



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### EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON JUNE 12, 2001

MINUTE NO. 16 – Water Quality Standards – Ammonia and Bacteria Criteria  
9 VAC 25-260-5, 140, 155, 160, 170, 310 and 390

Staff described the revised ammonia and bacteria criteria. An errata sheet was given to the Board and the staff described changes to the draft proposal that was provided to the Board at Tab 13. The revised proposal removed all references to secondary contact recreation. Staff explained that further communication with the general public and interest groups was necessary for a more complete understanding of the issues surrounding secondary contact recreation.

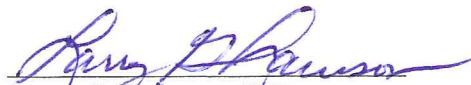
#### Recommendation:

Staff requested the Board authorize:

1. Proceeding to public hearing with the proposed amendments to the Water Quality Standards to update the bacteria criteria only for primary contact recreation, and the ammonia criteria as described in the briefing material and the staff presentation contingent upon review and approval from the Attorney General's Office.
2. Continuing the dialogue with the general public and interest groups to explain the basis for, the benefits of, and process involved with providing for a secondary contact recreation use designation in the Water Quality Standards regulation; and
3. Reporting back to the Board with recommendations regarding a secondary contact recreation use designation at the same time staff presents proposals to the Board as part of the Triennial Review of the Water Quality Standards regulation which is expected later this year or early next year.

#### Decision:

Based upon the information provided to the Board and the staff presentation, the Board by a unanimous vote authorized the staff recommendations.



Larry G. Lawson, P.E.

Director, Division of Water Program Coordination



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### EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON JUNE 12, 2001

MINUTE NO. 17 – Primary Action – Water Quality Management Planning Public Participation Guidelines Regulation  
9 VAC 25-720

Secondary Action - Water Quality Management Plans  
9 VAC 25-420, 430, 440, 450, 452, 460, 470, 480, 490, 500, 510,  
520, 530, 540, 550, 560, 570, and 572

Staff described the need and content of the proposed Water Quality Management Planning Public Participation Guidelines Regulation and benefits of repealing the 18 Water Quality Management Plans as state regulations. The proposed regulation and a list of the existing 18 plans to be repealed as regulations were provided to the Board at Tab 14.

#### **Recommendation:**

Staff asked the Board for approval to proceed to public hearing with two actions:

1. Adoption of the proposed Water Quality Management Planning Public Participation Guidelines regulation.
2. Repeal the existing Water Quality Management Plans as state regulations.

#### **Decision:**

Based upon the information provided to the Board and the staff presentation, the Board by a unanimous vote authorized the staff recommendations.

A handwritten signature in blue ink, appearing to read "Larry G. Lawson".

Larry G. Lawson, P.E.  
Director, Division of Water Program Coordination





# COMMONWEALTH of VIRGINIA

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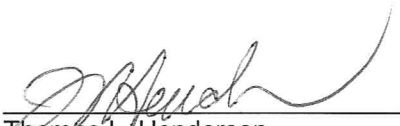
### Excerpt from the Proceedings of the State Water Control Board at its meeting on June 12, 2001

#### Minute No. 18 – Roanoke River Basin Water Quality Management Plan

Mr. Kyle Ivar Winter, South Central Regional Water Compliance Manager, requested that the Board adopt a proposed amendment to the Roanoke River Water Quality Management Plan (WQMP). The Plan amendment increases the wasteload allocation for the Chase City discharge to Little Bluestone Creek (Mecklenburg County) from 32.52 lb./day BOD<sub>5</sub> to 65.04 lb/day cBOD<sub>5</sub> during the summer and 125.22 lb/day cBOD<sub>5</sub> during the winter. Mr. Winter noted that the only comment received at the March 7<sup>th</sup> hearing in Chase City was a request from the Town Manager to expedite the amendment process. The only comment received during the public comment period, which closed April 13, 2001, was a letter from DCR stating no objection to the proposed WQMP amendment.

#### Board Decision

The Board unanimously authorized the amendment to the WQMP.

  
Thomas L. Henderson  
Director  
South Central Regional Office





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Secretary of Natural Resources


### EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON JUNE 12, 2001

#### MINUTE NO. 19 - Virginia Pollutant Discharge Elimination System (VPDES) Permit Regulation, 9 VAC 25-31-10 et seq.

The staff proposed amendments to the requirements for reporting unauthorized discharges, 9 VAC 25-31-50 B, and for determining when an application is complete, 9 VAC 25-31-100 E. These changes were necessary to bring the regulation into conformance with applicable state statutes amended by the 2001 Virginia General Assembly. Therefore, they were exempt from Article 2 of the Administrative Process Act (ref. § 9-6.14:4.1C4(a)).

#### Board Decision

Based on the briefing material and the staff presentation, the Board voted unanimously to adopt the amendments to the VPDES Permit Regulation, 9 VAC 25-31-10 et seq., as presented by the staff. Pursuant to the Administrative Process Act, the Board will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision of this regulation.

  
Larry G. Lawson, P.E.  
Director, Water Program Coordination



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Secretary of Natural Resources


### EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON JUNE 12, 2001

**MINUTE NO. 20 - Virginia Pollutant Discharge Elimination System  
(VPDES) General Permit for Domestic Sewage  
Discharges of Less Than or Equal to 1,000  
Gallons Per Day, 9 VAC 25-110-10 et seq.**

The staff proposed amendments to the requirements for requesting coverage under this general permit, 9 VAC 25-110-70 B. These changes were necessary to bring the regulation into conformance with applicable state statutes amended by the 2001 Virginia General Assembly. Therefore, they were exempt from Article 2 of the Administrative Process Act (ref. § 9-6.14:4.1C4(a)).

#### **Board Decision**

Based on the briefing material and the staff presentation, the Board voted unanimously to adopt the amendments to the VPDES General Permit Regulation, 9 VAC 25-110-10 et seq., as presented by the staff. Pursuant to the Administrative Process Act, the Board will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision of this regulation.

  
Larry G. Lawson, P.E.  
Director, Water Program Coordination



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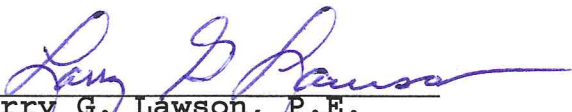
### EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON JUNE 12, 2001

#### MINUTE NO. 21 - Virginia Pollution Abatement (VPA) General Permit Regulation for Confined Animal Feeding Operations, 9 VAC 25-192-10 et seq.

The staff proposed amendments to the requirements for requesting coverage under this general permit, 9 VAC 25-192-50 and 60. The amendments provide a waiver from the requirement for notifying adjacent property owners if the registration statement is for reissuance of general permit coverage and the farm is not under an enforcement order and is not expanding. These changes were necessary to bring the regulation into conformance with applicable state statutes amended by the 2001 Virginia General Assembly. Therefore, they were exempt from Article 2 of the Administrative Process Act (ref. § 9-6.14:4.1C4(a)).

#### Board Decision

Based on the briefing material and the staff presentation, the Board voted unanimously to adopt the amendments to the VPDES General Permit Regulation, 9 VAC 25-192-10 et seq., as presented by the staff. Pursuant to the Administrative Process Act, the Board will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision of this regulation.

  
Larry G. Lawson, P.E.  
Director, Water Program Coordination





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### EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON June 12, 2001

MINUTE NO. 22 - Virginia Water Protection Permit Regulation  
Amendments(9 VAC 25-210 et seq.) and New General  
Permits (9 VAC 25-660, 9 VAC 25-670, 9 VAC 25-  
680 and 9 VAC 25-690 et seq.)

The Board was provided final drafts of the revised VWPP regulation and four VWPP general permits, a memorandum summarizing the key changes from the draft regulations, and a response to public comments received during the public comment period, prior to the board meeting. This rulemaking was proposed to address changes to Sections 62.1-44.3, 44.5, 44.15, 44.15:5 and 44.29 of the Code of Virginia, relating to wetlands, as mandated by the 2000 General Assembly. Ellen Gilinsky summarized the key issues raised during the public comment period and the changes made to the draft regulations.

#### Board Decision

Based on the briefing material and the staff presentation, the Board voted unanimously to adopt the final draft VWPP Regulation amendments(9 VAC 25-210 et seq) and the final drafts of the VWPP general permit regulations (9 VAC 25-660, 9 VAC 25-670, 9 VAC 25-680 and 9 VAC 25-690 et seq.), as presented by the staff.

A handwritten signature in blue ink, reading "Larry G. Lawson".

Larry G. Lawson, P.E.

Director, Water Program Coordination





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### EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON JUNE 12, 2001

#### MINUTE NO. 23 - Periodic Reviews

The Board received a report on two periodic reviews that are currently in process (9 VAC 25-91-10 et seq. and 9 VAC 25-101-10 et seq.).

  
Cindy M. Berndt



# COMMONWEALTH of VIRGINIA

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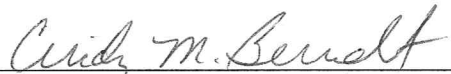
John Paul Woodley, Jr.  
Secretary of Natural Resources

### EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON JUNE 12, 2001

#### **Minute No. 24 – Public Forum**

Ms. Patricia Jackson of the James River Association appeared during the public forum to discuss several issues. She requested that the Board establish an advisory committee to discuss public participation and that the committee considers increasing the amount of time an organization has to address the Board at a meeting. Ms. Jackson also requested that the Board pursue a legislative increase to the maximum allowable fees for permits in order to increase the percentage of the costs of the water quality program covered by fees.

Mr. Dale Gardner, Virginia State Dairymen Association, Inc., and Mr. Melvin Montgomery, dairy farmer, appeared to discuss farmers' concerns over the costs of complying with environmental regulations. They asked that the Board consider the impacts of all regulations on farmers prior to taking action.

  
Cindy M. Berndt



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### EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON JUNE 12, 2001

#### MINUTE 25 - Additional Ag BMP Loan Funding Set-Aside

Mr. Donald Wampler, Program Manager of the Board's Construction Assistance Program, made a presentation to the Board based on a memorandum dated May 31, 2001.

Mr. Wampler begin his presentation by summarizing the need for the Board to set-aside an additional \$5 million from its available FY 2002 Wastewater Revolving Loan Fund resources to continue the Ag BMP loan initiative. Mr. Wampler reviewed the action taken by the Board in December 1999 to implement the State's Ag BMP loan program and identified the overwhelming response rate to the program from Virginia's farming community. He highlighted some of the program's accomplishments over the last 18 months and concluded by noting the likelihood of the Ag BMP loan demand would soon surpass the \$5,000,000 initially set aside by the Board. He projected that the State's Ag BMP loan project disbursement account would run out of money this August or September.

#### Decision

Based on the briefing material, staff presentation, and the staff's recommendation, the Board voted unanimously to:

Approve an additional \$5 million to be set-aside from the State's Water Facilities Revolving Fund's resources for FY 2002 to continue the Ag BMP loan program.

A handwritten signature in blue ink, appearing to read "Larry G. Lawson", written over a horizontal line.

Larry G. Lawson  
Director, Division of Water  
Program Coordination

/dww



# COMMONWEALTH of VIRGINIA

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### EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON JUNE 12, 2001

#### MINUTE NO. 26 - Future Meetings

The Board set September 25, 2001 as the date of their next meeting.

  
Cindy M. Berndt

[Note: After the meeting, the date was changed.]